

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of December 3, 1879, information in relation to payments made to the Ute Indians in accordance with the fourth article of an agreement with said Indians made September 3, 1873.

JANUARY 7, 1880.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate of the United States :

In reply to a resolution of the Senate of December 3, 1879, requesting the President of the United States to inform the Senate whether payments have been made to the Ute Indians in accordance with the fourth article of an agreement made with said Indians September 3, 1873, I transmit herewith a letter from the Secretary of the Interior, and accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION,
January 7, 1880.

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1880.

SIR: I have the honor to acknowledge the receipt, by Executive reference of the 5th instant, of the following preamble and resolution adopted by the Senate of the United States under date of the 3d ultimo, namely:

Whereas an agreement was made on the 13th day of September, 1873, between the United States and the confederated bands of the Ute Nation for the cession of certain lands in Colorado, which agreement was ratified April 29, 1874; and whereas the fourth article of said agreement was in words as follows:

“The United States agrees to set apart and hold as a perpetual trust for the Ute Indians a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum; which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President as he may direct, for the use and benefit of the Ute Indians annually”;

And whereas the said Ute Indians claim that only a portion of the money due under said agreement has been paid to them, and that there is a large amount due and unpaid; therefore,

Be it resolved, That the President of the United States be, and he is hereby, requested to inform the Senate whether such payments or investments have been made in accordance with the fourth article of said agreement; and if any portion of the money due under said agreement has been paid or invested for the benefit of said Indians, at what time, and in what manner, such payments were made, or in what way invested, and what amount, if any, there is due the said Indians under said agreement.

The said resolution was duly referred to the Commissioner of Indian Affairs, and I respectfully inclose a copy of his reply of the 18th instant in answer to the interrogatories presented in the resolution, together with the copies of papers noted in his report.

The resolution of the Senate referred by you is herewith respectfully returned.

I have the honor to be, sir, very respectfully, your obedient servant,
C. SCHURZ, *Secretary.*

The PRESIDENT, *Executive Mansion.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 16, 1879.

SIR: By department reference I have the honor to be in receipt of Senate resolution of the 3d instant requesting the President of the United States to inform the Senate whether payments had been made to the Ute Indians in accordance with the 4th article of an agreement made with said Indians September 13, 1873; "and if any portion of the money due under said agreement has been paid or invested for the benefit of said Indians, and in what manner such payments were made or in what way invested, and what amount, if any, there is due the said Indians under said agreement."

In compliance with said resolution, I have the honor to transmit herewith a statement showing dates and amounts of the receipts and disbursements made on account of the money provided for in the 3d article (not the 4th, as stated in the resolution) of said agreement, as follows, viz:

Receipts from April 29, 1874 (date of ratification of the agreement by Congress), to July 1, 1879	\$129,315 07
Expended for supplies and implements	\$29,305 92
Expended in cash payments	27,596 50
Expended by Indian agent for expense of delegation visiting Washington in 1878	\$700 00
Oats, corn, and 3 span mules (1879)	728 41
Medical supplies and herding cattle (1875)	5,000 00
	6,428 41
Placed to credit of Agent Meeker September 1, 1879	1,582 00
Transportation of supplies	376 89
	65,289 72

Leaving a balance unexpended of

64,025 35

During the same period, in addition to the above amounts, there have been expended for the support of the Utes, from annual appropriations made in accordance with the treaty of 1868, the following sums:

Fiscal year of 1874	\$78,220 00
Fiscal year of 1875	45,694 39
Fiscal year of 1876	68,954 18
Fiscal year of 1877	66,072 28
Fiscal year of 1878	56,552 07
Fiscal year of 1879	65,511 07

Making a total of

381 003 99

which exceeds the requirements of the treaty.

On the 10th of July, 1878, the following telegram was sent from this office to agents Meeker, White River Agency; Abbott, Los Pinos Agency; and Weaver, Southern Ute Agency:

There is an accumulation of money due your Indians for interest due under Brunot treaty. It is proposed to immediately furnish them with agricultural implements, stock-cattle, sheep, and horses. Forward your estimates, not to exceed seventeen dollars per head for each man, woman, and child, as soon as possible.

No reply to this telegram was received from Agent Meeker, but copies of replies from Agent Abbott, dated July 24, 1878, and from Agent Weaver, dated July 31 and September 20, 1878, are inclosed herewith. In these letters both agents represent the Indians as being disinclined to work, and they recommend that no action be taken on their estimates until the question of the future location of the Indians is definitely settled.

It has been the practice of this office in all cases where treaty annuities are not specifically directed to be paid in cash per capita, but the manner of their payment is left to the discretion of the government, to exercise the discretionary power conferred by the treaties, and to make no cash payments to wild Indians who are accustomed to use moneys thus obtained in the purchase of arms, ammunition, and whisky, which purchases tend to create turbulence and disorder, and to promote the outbreak of hostilities.

In this case, section 2 of the act ratifying the agreement of September 13, 1873, with the Utes, leaves the manner of payment of the interest arising on their funds discretionary under the direction of the President, and, therefore, cash payments have not been made to these Indians except in the instances noted in the statement of disbursements herewith, when the commission sent to make an agreement with the Utes recommended a cash payment on the ground that it would facilitate the accomplishment of their task.

It has been apparent for the last two years that the Ute Indians would be under the necessity of either settling down in severalty or of changing their location in order to avoid contact with the white mining population pouring into Colorado in largely increasing numbers. Only very few of them have shown any inclination to devote themselves to agricultural work where they now are. Under such circumstances the funds have not been invested, as there was a reasonable expectation that early action would be taken looking to the permanent settlement of the Utes, when their support by agriculture would be possible, and consequently the money to their credit in the Treasury would be needed for their comfortable settlement in their new homes and for the furnishing of the necessary agricultural implements, stock-cattle, &c. By this course the office hoped to be able to enforce the requirement of section 3 of act of March 3, 1875 (Stat. 18, p. 449), as follows:

That for the purpose of inducing Indians to labor and become self-supporting, it is provided that hereafter, in distributing the supplies and annuities to the Indians for whom the same are appropriated, the agent distributing the same shall require all able-bodied male Indians, between the ages of 18 and 45, to perform service upon the reservation, for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered; and the allowances provided for such Indians shall be distributed to them only upon condition of the performance of such labor under such rules and regulations as the agent may prescribe: *Provided*, That the Secretary of the Interior may, by written order, except any particular tribe, or portion of tribe, from the operation of this provision, where he deems it proper and expedient.

The object of this law would not have been observed had further cash payments been made under the circumstances, or had the money designed for the promotion of their civilization and progress been expended before the opportunity arose for its use in effecting their permanent settlement.

The resolution of the Senate is herewith respectfully returned.

I have the honor to be, sir, very respectfully, your obedient servant,

E. A. HAYT, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

Interest due Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes.

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CERTAIN PAYMENTS MADE TO UTE INDIANS.

Sept. 1, 1874	To interest for one year, from April 29, 1874, on \$500,000, at 5 per cent. per annum, per act of April 29, 1874.	\$25,000 00	Sept. 15, 1874	By John Dobson, blankets.....	\$7,784 76
Aug. 16, 1875	To interest from April 29, 1875, to July 1, 1875.....	4,315 07	Sept. 25, 1874	By C. Nachtrieb, flour.....	387 00
Jan. 29, 1876	To 6 months interest due January 1, 1876.....	12,500 00	Oct. 2, 1874	By John Dobson, blankets.....	323 00
July 1, 1876	To 6 months interest due July 1, 1876.....	12,500 00	Oct. 8, 1874	By J. S. Pillsbury, saws, &c.....	192 00
Feb. 6, 1877	To 6 months interest due January 1, 1877.....	12,500 00	Oct. 20, 1874	By Otto Mears, supplies, &c.....	5,493 90
July 27, 1877	To 6 months interest due July 1, 1877.....	12,500 00		By McKesson & Robbins, drugs.....	492 87
Jan. 30, 1878	To 6 months interest due January 1, 1878.....	12,500 00	Oct. 22, 1874	By J. France, flour.....	212 50
July 1, 1878	To 6 months interest due July 1, 1878.....	12,500 00	Feb. 3, 1875	By Hy. F. Bond, agent, Los Pinos.....	5,000 00
Jan. 28, 1879	To 6 months interest due January 1, 1879.....	12,500 00	Feb. 11, 1875	By Mears & Prior, grain, &c.....	4,227 07
			May 11, 1875	By Kansas Pacific Railroad Company, transportation.....	376 89
			Aug. 28, 1875	By Mears & Gotthelf, supplies.....	436 69
			Sept. 25, 1875	By Col. Edward Hatch, U. S. A., for cash payment.....	20,000 00
			Oct. 14, 1878	By Isaac Gotthelf, supplies.....	2,668 15
				By George W. Kephart, supplies.....	866 62
			Oct. 15, 1878	By Col. Edward Hatch, U. S. A., for cash payment.....	6,601 50
			Jan. 6, 1879	By R. Joseph, disbursing clerk, Interior Department.....	63 00
			Jan. 15, 1879	do.....	300 00
			Jan. 18, 1879	By L. M. Kelly, agent, Los Pinos.....	700 00
			Jan. 21, 1879	By R. Joseph, disbursing clerk, Interior Department.....	632 00
			Feb. 8, 1879	By William F. Burns, sheep.....	412 50
			Feb. 27, 1879	By H. E. Peck, merchandise.....	500 00
			Apr. 14, 1879	By W. S. Peabody, supplies.....	585 50
			May 22, 1879	By N. C. Meeker, agent.....	1,000 00
			June 6, 1879	By Gotthelf & Meyer, sugar and coffee.....	493 66
				By Otto Mears, stationery, &c.....	16 91
				By C. F. Foote, oats.....	430 00
				By Gotthelf & Meyer, sugar and coffee.....	497 78
			June 12, 1879	By Zadoc Staab, flour and beef.....	1,512 89
			June 16, 1879	By Zadoc Staab, beef.....	979 88
				By balance to next folio.....	53,627 40
		116,815 07			116,815 07
June 30, 1879	To balance from sheet 1.....	53,627 40	June 17, 1879	By A. E. Clark, plows.....	84 00
July 1, 1879	To 6 months interest due July 1, 1879.....	12,500 00	June 20, 1879	By C. Gove & Sons, supplies.....	93 50
Oct. 23, 1879	To N. C. Meeker, refunded. (Unexpended balance of \$1,000 remitted to agent Meeker May 22, 1879.).....	271 59		By N. W. Wells, flour.....	3 70
			July 1, 1879	By Louis H. Maxfield, candles, &c.....	52 05
			July 3, 1879	By Simmons Hardware Company, hardware.....	78 91
			July 30, 1879	By Zadoc Staab, beef.....	479 43
			Sept. 1, 1879	By N. C. Meeker, agent.....	1,582 00
				By balance.....	64,025 35
		66,398 99			66,398 99
Oct. 23, 1879	To balance.....	64,025 35			

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, Colorado, July 24, 1878.

SIR: In compliance with your telegraph dispatch dated 11th July, 1878, and received by me on the 19th instant, I have the honor to submit the following estimates and statements pertaining to the same.

It is impossible to ascertain the exact number of Indians belonging to this agency.

The number has been estimated, heretofore, at two thousand, and Ouray, the head chief, informs me that this estimate is very near right.

Therefore, I base the following estimates upon this number of Indians, which, at \$17 per head, amounts to \$34,000.

ESTIMATES.

1,400 good American stock-cattle, from two to four years old, at \$20 per head.	\$28,000
3,000 good Mexican sheep, two years old and under, at \$2 per head.....	6,000
Total.....	34,000

They have a large number of horses and ponies, and, in my opinion, to supply them with more would be a waste of money, and in no way benefit them.

It is well to furnish them with agricultural implements as rapidly as they will locate permanently and use them in tilling the soil; but, after a careful investigation of the utility of furnishing such implements, I am forced to the conclusion that it would be unwise until they give up their nomadic habits.

Before they can use such implements to advantage, an irrigating ditch will be necessary. To construct a good and sufficient ditch through the valley of the Uncompahgre will require an expenditure of from five to ten thousand dollars, as it would have to be laid out by a competent engineer and constructed under the direction of an expert in such work.

In a talk with Ouray and other chiefs, this day, pertaining to the subject of your telegram, I find they are decidedly opposed to receiving cattle, sheep, or even horses, in payment of the accumulated interest due, and they express a desire to talk with the commissioners who are coming to see them before action is taken.

I am, very respectfully, your obedient servant,

JOSEPH B. ABBOTT,
United States Indian Agent.

To the Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SOUTHERN UTE AGENCY,
Rio Los Pinos, Colo., July 31, 1878.

SIR: Referring to telegram of the 11th instant, relative to forwarding estimate not exceeding \$17 per head for every man, woman, and child, for the purchase of agricultural implements, stock, &c., I would respectfully inform you that I have deemed it advisable to defer sending estimate until the Muache band of Utes, now on their way to this agency, arrive. There is, also, quite a number of Utes scattered through the mountains on account of the somewhat disturbed state of feeling among themselves, as ever since soldiers have been in this vicinity they are very suspicious of every move which would likely result in a surprise to them. I have, however, sent out word to all, and as soon as they come in, and the Muache Utes arrive, that a proper enumeration may be had, the estimate will be forwarded by me, or my successor informed with regard to the requirements in the premises.

Very respectfully, your obedient servant,

F. H. WEAVER,
United States Indian Agent.

Hon. E. A. HAYT,
Commissioner of Indian Affairs, Washington, D. C.

SOUTHERN UTE AGENCY, COLO.,
September 20, 1878.

SIR: I have the honor to inclose estimate for stock, amounting to \$4,120, for the Utes belonging to this agency, in compliance with telegram from your office of July 11, 1878, which was replied to by letter under date of July 31, 1878.

I have neither estimated for agricultural implements, horses, nor horned cattle. It is evident to me that these Indians cannot long remain here; added to this, they expect the location of their agency changed to the Navajoe River, where no farming can be done, and the chief drawback is their unwillingness to learn to work. I invite your attention to a report forwarded yesterday, in which the Indians preferred their case to be placed under the military for the ostensible reason that they would not then

have to farm. Nothing short of force will compel them to work, because they are a unit on this subject. As to horses, they have already too many, and as regards horned cattle I have reason to believe they would slaughter them. In case the animals estimated for are given them, there should be given so many to each individual. If given to the head of the family, *for the family*, and he or she should die, they would be all killed and burned. Of the few families who have some sheep and goats, one of the possessors of the latter died yesterday morning, when fifty goats, all which the family possessed, were slaughtered. Under the circumstances, I doubt the propriety of giving to them what is called for in the estimate inclosed, and with regard to the estimate for merino rams it is exceedingly doubtful as to whether these should be purchased, unless they can be taught to shear their sheep, which they will not do now. Common rams can be purchased almost at the same rate as yews, and, as a simple matter of subsistence by the increase, would answer as well.

Until it is definitely settled where these Indians are to be kept, I would respectfully recommend that nothing be done in the premises on account of the unsettled condition of the Indians. We must have them to understand definitely about this—*where they are to have their home*—and in case they are to be compelled to learn to farm here, it will be necessary first to take out the ditches for irrigation.

Very respectfully, your obedient servant,

F. H. WEAVER,
United States Indian Agent.

Hon. E. A. HAYT,
Commissioner of Indian Affairs, Washington, D. C.

Estimate of Indian supplies, &c., required for the service of the Southern Ute Agency, Colorado, during the (see letter of transmittal) quarter 18

To the Commissioner of Indian Affairs:

SIR: I have the honor to transmit an estimate of supplies, &c., required for the service at the agency under my charge, as above, amounting to \$4,120, and respectfully ask for the necessary authority to purchase the same under contract.

I also ask authority to publish an advertisement inviting proposals in the case, in the Santa Fé New Mexican, New Mexico, and in the Pueblo Chieftain, Pueblo, Colo., and to make contract with the lowest responsible bidder or bidders for the delivery of the articles estimated for.

I have on hand no funds available to the proposed purchase from appropriation

F. H. WEAVER,
United States Indian Agent.

Dated September 20, 1878:

Number or quantity required during the period estimated for.	Articles (to be arranged alphabetically, as on property return).	Estimated cost.	Remarks. (See note on face of estimate.)
54	Bucks, merino, at \$20 each....	\$1,080	Bucks not to be less than 2 nor more than 4 years old.
20	Bucks, goats, at \$2 each.....	40	Do.
500	Goats, at \$1.50 each	750	Goats not to be less than 1 nor more than 2 years old.
1,800	Ewes, at \$1.25 each.....	2,250	Ewes not to be less than 1 nor more than 2 years old.
	Total cost.....	4,120	

(See letter of transmittal accompanying.)

I certify that the above estimate is correct, and that the articles specified are requisite for the public service, rendered so by the circumstances set forth in the above remarks.

F. H. WEAVER,
United States Indian Agent.

SOUTHERN UTE AGENCY.
September 20, 1878.